

REMARKS

Claims 2-7 have been rejected under 35 USC 112, second paragraph. The claims have been amended accordingly.

Claims 1-14 have been rejected under 35 USC 102(b) as anticipated by Spiegel.¹ The rejection is respectfully traversed for the reasons presented in the previously filed amendment, and for the following reasons.

I. Spiegel does not disclose that the allocation rule is used to forward the **setup** message.

In Spiegel, the forwarding table 20 is not used to forward the setup messages. Rather, the forwarding table is used to forward the subsequent payload cells. In Spiegel, the setup packets are routed with the help of the routing table 13. However, the routing table does not identify with the allocation rule as recited in the claimed invention, since the routing table does not allocate a forwarding information item to a link and to a new forwarding information item, as recited in the claimed invention.

II. Spiegel does not disclose that a **forwarding** information item included in the **setup** message (and being allocated to the link via which the setup packet is to be forwarded) is replaced (in the setup message) by a new forwarding information allocated to the former forwarding information item.

Although Spiegel discloses generally “packets are updated,” it does not detail the technical interrelationship between the forwarding of the setup packet and the replaced and replacing information items of the above-noted features. Rather, Spiegel fails to disclose a replacement of forwarding information within a setup packet. In connection with the update process, Spiegel discloses that a cumulative cost field (i.e. not forwarding information) of the setup packet is increased and that the actual node (i.e. not forwarding information) is added (not replaced)

Applicant’s note that the Examiner uses the term “unpatentable” but treat the rejection as intending to use the term “anticipated.”

to the record route field of the setup packets (see, for example, col. 10, ln. 65 - col. 11, ln. 2). However, there is not disclosure of a replacement of forwarding information within a setup packet, as described above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122002600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 21, 2005

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762